

Message Text

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NRC-05 OES-07 FEAE-00 DODE-00 ERDA-05 SS-15 SP-02

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TO SECSTATE WASHDC IMMEDIATE 676

INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 1 OF 3 GENEVA 7358

EO 11652: GDS

TAGS: PARM, US, UR

SUBJ: CCD:US-SOVIET CHEMICAL WEAPONS CONSULTATIONS: FIFTH ROUND

WRAP-UP, MESSAGE NO. 9

1. SUMMARY: PRINCIPAL FEATURE OF FIFTH ROUND OF US-SOVIET NEGOTIATIONS ON PROHIBITION OF CHEMICAL WEAPONS (AUG 16-26, 1977) WAS PRESENTATION BY USSR OF DETAILED POSITION ON BASIC PROVISIONS TO BE INCLUDED IN POSSIBLE CONVENTION. SOVIET PRESENTATION, WHICH RESPONDED TO US PRESENTATION MADE IN FOURTH ROUND (JULY 1977), CONTAINED FE SURPRISES; HOWEVER, IT REPRESENTED MOST DETAILED AND CONCRETE EXPOSITION OF SOVIET POSITION TO DATE. IT INCORPORATES US PROPOSALS IN CERTAIN POINTS AND SUGGESTS A SOVIET WILLINGNESS TO ENTER INTO A PHASE OF SERIOUS NEGOTIATIONS NOW THAT BOTH SIDES HAVE PRESENTED THEIR BASIC POSITION. A BASIS TO BEGIN NEGOTIATIONS IN THE NEXT ROUND NOW APPEARS TO EXIST.

2. AS REGARDS FORM OF JOINT INITIATIVE, USSR APPEARS TO HAVE MOVED TOWARDS US CONCEPT THAT JOINT INITIATIVE TO CCD SHOULD TAKE FORM OF AGREED KEY ELEMENTS, THROUGH SOME DIFFERENCES POSSIBLY REMAIN. REGARDING THE CONTENT OF

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THE BASIC PROVISIONS, THERE APPEARS TO BE SUBSTANTIAL DEGREE OF CONVERGENCE IN US AND SOVIET POSITIONS ON SCOPE OF CONVENTION (TYPES OF WEAPONS AND ACTIVITIES TO BE BANNED) AND DISPOSAL OF PROHIBITED WEAPONS AND FACILITIES, ALTHOUGH SOME IMPORTANT DIFFERENCES REMAIN AND SOVIET TEXT IS UNCLEAR ON OTHERS. ON ISSUE OF VERIFICATION, TWO SIDES REMAIN FAR APART. DESPITE SOME MINOR

POSITIVE ELEMENTS IN SOVIET PRESENTATION, POSITION ON THE KEY ISSUE OF INTERNATIONAL VERIFICATION INVOLVING ON-SITE INSPECTION REMAINS BASICALLY UNCHANGED. REGARDING ENTRY INTO FORCE OF THE TREATY, UNCLEAR WORDING OF SOVIET BASIC PROVISION NO. 23 RAISES THE POTENTIALLY TROUBLESOME POSSIBILITY THAT THEY MAY INSIST ON RATIFICATION BY ALL PERMANENT UN SECURITY COUNCIL MEMBERS AS A PRECONDITION. END SUMMARY.

3. US AND SOVIET DELEGATIONS HELD SIX MEETINGS IN GENEVA FROM AUG 16 THROUGH AUG 26, 1977, TO CONTINUE THEIR NEGOTIATIONS ON ELEMENTS OF A CONVENTION PROHIBITING CHEMICAL WEAPONS, WITH THE PURPOSE OF PREPARING A JOINT INITIATIVE FOR SUBMISSION TO THE CCD. THIS WAS THE FIFTH ROUND OF BILATERAL NEGOTIATIONS HELD IN ACCORDANCE WITH THE US-SOVIET COMMUNIQUE OF JULY 194, AND THE THIRD MEETING OF THE JOINT WORKING GROUP ESTABLISHED AS A RESULT OF THE MOSCOW DISCUSSIONS BETWEEN SECRETARY VANCE AND FOREIGN MINISTER GROMYKO IN MARCH 1977. THE ATMOSPHERE OF ALL MEETINGS WAS CORDIAL AND WORKMANLIKE.

4. IN THE FIRST FOUR MEETINGS WHICH WERE HELD ON AUG 16, 18, 22 AND 23, SOVIET REP (LIKHACHEV) MADE A DETAILED PRESENTATION OF SOVIET POSITIONS ON CONTENT OF POSSIBLE CONVENTION PROHIBITING CHEMICAL WEAPONS WHICH HE CHARACTERIZED AS SUPPLEMENTING PROPOSALS
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CONTAINED IN SOVIET 1974 DRAFT CW CONVENTION AND AS, IN EFFECT, A RESPONSE TO THE US PROPOSAL PRESENTED IN THE FOURTH ROUND IN JULY 1977. AT THE END OF HIS PRESENTATION, AMB LIKHACHEV HANDED OVER A WORKING PAPER CONTAINING 23 BASIC PROVISIONS AS THE BASIS FOR A POSSIBLE JOINT INITIATIVE. AT THE FIFTH MEETING USREP (FISHER) PRESENTED PRELIMINARY US COMMENTS ON SOVIET PRESENTATION, SUMMARIZING APPARENT POINTS OF AGREEMENT AND DIFFERENCES BETWEEN TWO SIDES AND PRESENTING A NUMBER OF QUESTIONS DESIGNED TO CLARIFY SOVIET POSITION. SOVIET DEL ANSWERED SOME OF THESE QUESTIONS AT SIXTH MEETING. US SIDE PROPOSED SEPT 26 FOR RESUMPTION OF NEXT ROUND OF BILATERAL ALKS. SOVIET DELEGATION INFORMALLY INDICATED THAT THIS SEEMED REASONABLE BUT DID NOT FORMALLY AGREE TO IT, PENDING INSTRUCTIONS.

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5. SALIENT POINTS OF SOVIET BASIC PROVISIONS ARE
SUMARIZED AND COMMENTED ON BELOW.

6 FOR OF THE JOINT INITIATIVE. ALTHOUGH SOVIET REP
EMPHASIZED IN HIS INITIAL PRESENTATION THAT USSR
CONTINUES TO SEEK A JOINT INITIATIVE I FORM OF NEGO-
TIATED TEXT OF DRAFT CONVENTION OR MAIN ARTICLES
THEREOF WHICH WOULD BE PRESENTED TO CCD, THE "BASIC
PROVISIONS" TABLED BY THE USSR BEAR A STRONG RESEMBLANCE
IN FORM TO THE "KEY ELEMENTS" PRESENTED BY THE US IN JULY
AND WOULD APPEAR TO REPRESENT A MAJOR STEP IN THE
DIRECTION OF THE US APPROACH. IT APPEARS UNLIKELY THAT
SOVIETS WILL CONTINUE TO ADVOCATE TABLING A FULL-FLEDGED
JOINTLY AGREED TREATY TEXT. HOWEVER, WHEREAS THE US
APPROACH ENVISAGES AGREEMENT ON PRINCIPLES OR KEY
ELEMENTS TO BE SUBSEQUENTLY ELABORATED UPON BY THE CCE,
USSR MAY CONTINUE TO FAVOR TABLING A SET OF AGREED
PROVISIONS IN TREATY LANGUAGE.

7. SCOPE OF THE CONVENTION. THE TWO SIDES APPEAR TO BE
IN SUBSTANTIAL AGREEMENT THAT DEVELOPMENT (INCLUDING
TESTING) PRODUCTION, STOCKPILING, ACQUISITION, RETENTION
AND TRANSFER OF THE CHEMICAL WEAPONS SHOULD BE BANNED BY A
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CO VENTION: THAT BAN SHOULD INCLUDE LETHAL AND OTHER
HIGHLY TOXIC CHEMICALS AND INCAPACITANTS AS WELL AS
MUNITIONS, AND THAT MAIN CRITERION FOR INCLUDING SPECIFIC
CHEMICALS OR ACTIVITIES SHOULD BE THAT OF PURPOSE
SUPPLEMENTED BY TOXICITY. SOVIETS ACCEPTED APPROXIMATE
VALUES FOR TOXICITY CRITERIA DISCUSSED BY US IN ROUND

ONE. THE TWO SIDES DISAGREED, HOWEVER, AS TO WHETHER IRRITANTS SHOULD BE INCLUDED. (THE US POSITION IS THAT THEY SHOULD NOT). OTHER POTENTIAL POINTS OF DISAGREEMENT CONCERN USE OF LETHAL CHEMICAL AGENTS IN MILITARY FIELD EXERCISES WITH TROOPS, AND THE DEFINITION OF PRECURSORS.

8. DISPOSITION OF CHEMICAL WEAPONS. SOVIET PRESENTATION INDICATED A GENERAL ACCEPTANCE OF US CONCEPT THAT STOCKS OF AGENTS AND WEAPONS AS WELL AS PLANS FOR THEIR DESTRUCTION AND FOR THE ELIMINATION OF CORRESPONDING FACILITIES ACCORDING TO AN AGREED SCHEDULE BE DECLARED. FOLLOWING EXPLANATIONS PRESENTED BY USDEL, SOVIETS ACCEPTED US EXPLANATION AS TO WHY A MINIMUM OF EIGHT YEARS WOULD BE REQUIRED FOR DESTRUCTION OF US STOCKS OF AGENTS AND MUNITIONS. USSR ALSO AGREES THAT PRODUCTION FACILITIES COULD TEMPORARILY BE USED FOR DESTRUCTION OF AGENTS AND MUNITIONS. MAJOR POINT OF DIFFERENCE WAS THAT SOVIET WOULD PERMIT CONVERSION OF PRODUCTION FACILITIES TO PEACEFUL USES WHEREAS US WOULD REQUIRE DESTRUCTION OR DISMANTLING OF ALL FACILITIES.

9. VERIFICATION. ALTHOUGH THE SOVIET PRESENTATION CONTAINED SOME POINTS OF INTEREST, THERE WAS NO CHANGE IN THE ESSENTIALS OF THE SOVIET POSITION WHICH UNDERLINED BASIC SOVIET UNWILLINGNESS TO ALLOW ON-SITE INSPECTION UNDER INDEPENDENT INTERNATIONAL AUSPICES, WHETHER TO

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VERIFY DESTRUCTION OF STOCKS AND DISMANTLING OF FACILITIES OR FOR CLARIFICATION OF SUSPICIOUS ACTIVITIES. SOVIET WORKING PAPER STATED AS BASIC PRINCIPLE THAT NATIONAL MEANS OF VERIFICATION SHOULD BE THE MAIN FORM OF VERIFICATION. (IN BILATERAL PRESENTATION, SOVIETS MADE NO ATTEMPT TO DEFEND THE ADEQUACY OF THE NATIONAL MEANS DESCRIBED IN THEIR CCD WORKING GROUP PAPER. ALSO, CRITICISMS OF US VERIFICATION PROPOSALS APPEARED TO SKIRT ISSUE OF VERIFICATION OF DESTRUCTION OF DECLARED STOCKS). HOWEVER SOVIET PRESENTATION DID GO FURTHER THAN PREVIOUS ONES IN ELABORATING THEIR PROPOSED INTERNATIONAL PROCEDURES. SOVIETS ACCEPTED CONCEPT OF CON-

SULTATIVE COMMITTEE COMPOSED OF REPRESENTATIVES OF STATES-PARTIES, ALTHOUGH WITH SEVERELY RESTRICTED MANDATE. THE COMMITTEE PROPOSED BY SOVIETS WOULD IN ESSENCE BE A CLEARING HOUSE FOR REQUESTING, RECEIVING AND TRANSMITTING INFORMATION, WITHOUT ANY AUTHORITY TO MAKE RECOMMENDATIONS OR TO DRAW CONCLUSIONS.

10. THE MOST INTERESTING PART OF SOVIET PRESENTATION

ON VERIFICATION WAS THEIR BASIC PROVISION NO. 20 WHICH STATES THAT "THERE SHOULD NOT BE PRECLUDED THE ELABORATION OF A COMPROMISE BASIS OF AGREEMENT WHICH WOULD PERMIT TO HAVE A POSSIBILITY OF ASCERTAINING ON A

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VOLUNTARY BASIS, THE REAL STATE OF AFFAIRS ON SITE IN CASE DOUBTS EMERGE WITH REGARD TO THE FULFILLMENT OF OBLIGATIONS ON THE PROHIBITION OF CHEMICAL WEAPONS," WITH THE ARRANGEMENTS TO BE DETERMINED BY THE HOST COUNTRY. THIS PROVISION IS SIMILAR TO ARTICLE II, PARA 3 OF SOVIET DRAFT TREATY FOR A NUCLEAR WEAPONS TEST BAN. WHAT PRECISELY THE SOVIETS ARE PREPARED TO ACCEPT WILL DOUBTLESS NOT EMERGE UNTIL A LATER STATE IN THE NEGOTIATIONS.

1. AT THE CONCLUSION OF USSR PRESENTATION AND IN FINAL SESSION, SOVIET REP STRESSED FORTHCOMING NATURE OF SOVIET PROPOSALS ON VERIFICATION AND CALLED ON US TO MAKE "EQUIVALENT" COMPROMISES IN INTEREST OF REACHING AGREEMENT. AT BEST IT CAN BE SAID THAT WITHIN THE NARROW LIMITED IMPOSED BY THE SOVIET OBJECTION OF PRINCIPLE TO ANY FORM OF INDEPENDENT ON-SITE INSPECTION, SOVIETS APPEAR TO HAVE MADE A MODEST EFFORT TO MEET SOME US CONCERNS. WHAT POSSIBILITIES FOR COMPROMISE, IF ANY, ARE INHERENT IN BASIC PROVISION NO. 20 REMAIN TO BE SEEN, BUT GIVEN THE PAST HISTORY OF THE SOVIET POSITION ON THIS ISSUE, IT IS CLEAR THAT VERIFICATION IS LIKELY TO BE THE PRINCIPAL OBSTACLE TO AGREEMENT.

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12. ENTRY INTO FORCE. ONE UNEXPECTED AND POTENTIALLY TROUBLESOME FEATURE OF THE SOVIET PRESENTATION IS THE STIPULATION IN BASIC PROVISION NO. 23 THAT A CONVENTION WOULD ENTER INTO FORCE "WHEN A SUFFICIENTLY WIDE NUMBER OF STATES PARTICIPATE IN IT, INCLUDING PERMANENT MEMBERS OF THE SECURITY COUNCIL". IT IS NOT CLEAR FROM THE RUSSIAN TEXT WHETHER THIS SHOULD BE INTERPRETED TO MEAN SOME MEMBERS OF THE SECURITY COUNCIL OR ALL. IF THE LATTER, THE SOVIETS WOULD HAVE INTERJECTED A NEW PRECONDITION THEY HAVE NOT PREVIOUSLY MENTIONED. AT BEST, THIS COULD REPRESENT AN EFFORT TO CREATE A BARGAINING CHIP WHICH COULD BE TRADED FOR US CONCESSIONS. AT WORST, IT WOULD IMPLY THAT THE SOVIETS HAVE NO REAL INTEREST IN REACHING AN AGREEMENT SINCE ITS PRACTICAL EFFECT WOULD BE TO MAKE A CONVENTION IMPOSSIBLE. GIVEN THE GENERALLY RESPONSIVE CHARACTER OF THE SOVIET PRESENTATION, THIS SEEMS UNLIKELY. HOWEVER, NO DEFINITIVE JUDGMENT CAN BE MADE UNTIL THE SOVIETS HAVE PROVIDED THE REQUESTED CLARIFICATION. ALTHOUGH THE SOVIET DELEGATION PROVIDED ANSWERS TO SOME OF THE QUESTIONS ASKED BY THE US SIDE IN THE FIFTH MEETING, THEY DID NOT OFFER AN EXPLANATION OF THIS POINT

13. CONFIDENCE-BUILDING MEASURES. SOVIET PRESENTATION DID NOT REFER DIRECTLY TO US PROPOSALS FOR CONFIDENCE-BUILDING MEASURES TO BE UNDERTAKEN BETWEEN SIGNATURE AND ENTRY INTO FORCE, EXCEPT TO STIPULATE THAT ALL STATES-PARTIES SHOULD DECLARE THEIR STOCKS SIMULTANEOUSLY AT AN AGREED DATE AFTER ENTRY INTO FORCE. HOWEVER, IN ANSWER TO A QUESTION FROM USDEL, SOVIET REP FORMALLY STATED IN FINAL SESSION THAT IT WAS UNACCEPTABLE TO THE USSR TO UNDERTAKE OBLIGATIONS BEFORE THE ENTRY INTO

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FORCE OF A CONVENTION. VANDEN HEUVEL

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Message Attributes

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Disposition Date: 22 May 2009
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Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Previous Handling Restrictions: n/a
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Retention: 0
Review Action: RELEASED, APPROVED
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Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1453356
Secure: OPEN
Status: NATIVE
Subject: CCD:US-SOVIET CHEMICAL WEAPONS CONSULTATIONS: FIFTH ROUND WRAP-UP, MESSAGE NO. 9
TAGS: PARM, US, UR
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/54055851-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009